

SCOTTS VALLEY BAND OF POMO
INDIANS OF CALIFORNIA
Appellant

v.

ASSISTANT SECRETARY - INDIAN
AFFAIRS
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 00-83-A
:
:
: June 19, 2000

The Scotts Valley Band of Pomo Indians of California has filed a notice of appeal from the “near-reservation” designation made for it by the Assistant Secretary - Indian Affairs. The designation was included in a document titled “Notice of Near-Reservation Designations for California Tribes,” 65 Fed. Reg. 31188 (May 16, 2000), which was published pursuant to 25 C.F.R. § 20.1(r) and which states that its purpose is to give notice of the locales designated by the Assistant Secretary “as ‘near-reservation’ areas appropriate for the extension of [Bureau of Indian Affairs] financial assistance and/or social services.” Id.

Because the Band’s “near-reservation” designation was made by the Assistant Secretary, the Board lacks authority to review it. See, e.g., Kawerak, Inc. v. Assistant Secretary - Indian Affairs, 28 IBIA 66 (1995), and cases cited therein. (The Board lacks jurisdiction to review decisions made by the Assistant Secretary, except where a matter is specially referred to the Board by the Secretary or Assistant Secretary or where a right of review is established by regulation.) No special referral has been made in this case, and no regulation gives the Board authority to review a “near-reservation” designation made by the Assistant Secretary under 25 C.F.R. § 20.1(r).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but is dismissed for lack of jurisdiction.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge